

Serial No. 09/166,870

Filing Date: 10/6/98

Attorney Docket No. 401 P 130

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**DECLARATION AND POWER OF ATTORNEY**

We, **ANDREW G. SWALES, A. DEAN PAPADOPOULOS and ALLAN**

**TANZMAN**, do hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **MESSAGING APPLICATION LAYER (MODBUS) OVER ETHERNET TO TRANSPORT LAYER (TCP) COMMUNICATIONS METHOD AND APPARATUS FOR A MODULAR TERMINAL INPUT/OUTPUT SYSTEM**, the specification of which is enclosed herewith.

We hereby state that we have reviewed and understand the contents of the above-entitled Specification, including the claims.

We acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

We hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventors' certificate, or §365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventors' certificate, or PCT international application having a filing date before that of the Application on which priority is

claimed:

Prior Foreign Application(s)

Number	Country	Day/Month/Year Filed	Priority Claimed	
			Yes	No

We hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date
--------------------	-------------

We hereby claim the benefit under 35 U.S.C. §120 of any United States Application(s), or §365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the Claims of this Application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. §112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior Application and the national or PCT international filing date of this Application.

Application Number	Filing Date	Status
--------------------	-------------	--------

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

Robert E. Wagner	20,528	James J. Jagoda	33,250
Daniel N. Christus	29,626	Micheal D. Lake	33,727
Alan L. Barry	30,819	Joseph A. Fuchs	34,604
Linda A. Kuczma	30,861	Bradley F. Rademaker	35,331
Roger H. Stein	31,882	Richard C. Himelhoch	35,544
Thomas K. Stine	32,310	Monique A. Morneault	37,893
Robert W. Diehl	35,118	Jeffrey R. Gargano	38,148
James P. Muraff	39,785	Paul J. Nykaza	38,984
David P. Gloekler	41,037	Marc D. Machtinger	43,434
Nelson Nolte	42,938	Marina N. Saito	42,121
Edward Bishop	39,110		

Send correspondence and direct telephone calls to:

James P. Muraff  
 Wallenstein & Wagner, Ltd.  
 311 South Wacker Drive - 53<sup>rd</sup> Floor  
 Chicago, Illinois 60606-6622  
 312/554-3300

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Full Name of First Inventor: Andrew G. Swales  
 Residential Street Address: 10 Woodvue Road  
 City and State/Province: Windham, New Hampshire  
 Country and Zip Code: USA 03087  
 Citizenship: UK  
 Mailing Address: Same as above.  
 Inventor's Signature: Andrew G. Swales  
 Date: 10/23/99

Full Name of First Inventor: A. Dean Papadopoulos  
 Residential Street Address: 11 Rooks Run  
 City and State/Province: Groton MA.  
 Country and Zip Code: USA 01450  
 Citizenship: U.S.  
 Mailing Address: Same as above.  
 Inventor's Signature: A. Dean Papadopoulos  
 Date: 11/3/98

Full Name of First Inventor: Allan Tanzman  
 Residential Street Address: 37 Wessan Road  
 City and State/Province: Newton Centre, Massachusetts  
 Country and Zip Code: USA 02459  
 Citizenship: United States  
 Mailing Address: Same as above.  
 Inventor's Signature: Allan Tanzman  
 Date: 10/20/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application of )  
Swales et al. ) Art Unit: Unknown  
)  
Application No. 09/604,362 )  
)  
Filed: March 12, 2001 ) Examiner: Unknown  
)  
For: MESSAGING APPLICATION LAYER )  
OVER ETHERNET TO TRANSPORT LAYER )  
(TCP) COMMUNICATIONS METHOD AND )  
APPARATUS FOR A MODULAR TERMINAL )  
INPUT/OUTPUT SYSTEM )

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

As Assignee of record of the entire interest of the above-identified Application, all Powers of Attorney previously given are hereby revoked and the following attorneys are hereby appointed to prosecute and transact all business in the U.S. Patent and Trademark Office connected therewith.

Daniel N. Christus	- 29,626	Edward L. Bishop	- 39,110
Linda A. Kuczma	- 30,861	James P. Muraff	- 39,785
Roger H. Stein	- 31,882	Tin-Chuen Yeung	- 40,240
Thomas K. Stine	- 32,310	Judie D. Dziezak	- 40,599
Micheal D. Lake	- 33,727	Austin J. Foley	- 42,543
Joseph A. Fuchs	- 34,604	Matthew J. Gryzlo	- 43,648
Robert W. Diehl	- 35,118	Peter M. Klobuchar	- 43,722
Bradley F. Rademaker	- 35,331	Brent A. Hawkins	- 44,146
Richard C. Himelhoch	- 35,544	William J. Lenz	- 44,208
Monique A. Morneault	- 37,893	Joseph M. Kinsella Jr.	- 45,743
Jeffrey R. Gargano	- 38,148	Steven R. Auten	- 47,396
Paul J. Nykaza	- 38,984		

all with Wallenstein & Wagner, Ltd., and

Larry I. Golden, Registration No. 29,068

Michael J. Femal, Registration No. 27,784  
David R. Stacey, Registration No. 33,794  
Kareem M. Irfan, Registration No. 32,326  
Richard Baker, Registration No. 48,124  
Edward Jarmolowicz, Registration No. 47,238, all with Square D Company, and  
representing the Assignee.

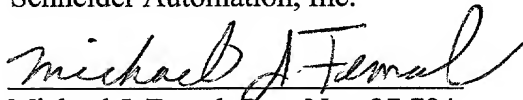
Send correspondence and direct telephone calls to:

Michael J. Femal, Esq.  
Square D Company  
1415 South Roselle Road, Executive Plaza  
Palatine, Illinois 60067-7399  
847.925.3454

Ownership by the Assignee is established as follows:

- ☒ An Assignment from the inventor(s) of the matter identified above, which was recorded  
in the U.S. Patent and Trademark Office starting at Reel 9669, Frame 0845.
- ☐ An Assignment document separately being submitted for the recordal herewith.

Schneider Automation, Inc.



Michael J. Femal, Reg. No.: 27,784  
Attorney for Applicants

Square D Company  
1415 South Roselle Road  
Palatine, IL 60067  
Telephone: 847/925-3452  
Facsimile: 847/925-7419

## ASSIGNMENT

Application No. 09/166,870

Filed: October 6, 1998

IN CONSIDERATION of one dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, the entire right, title and interest in the invention or improvements of the undersigned in **"MESSAGING APPLICATION LAYER (MODBUS) OVER ETHERNET TO TRANSPORT LAYER (TCP) COMMUNICATIONS METHOD AND APPARATUS FOR A MODULAR TERMINAL INPUT/OUTPUT SYSTEM"** and in the application for Letters Patent of the United States therefor, executed by the undersigned concurrently herewith, and in any reissue or extension of any Letters Patent that may be granted upon said application are hereby assigned by the undersigned to **SCHNEIDER AUTOMATION, INC.**, a Delaware corporation, and the successors, legal representatives and assigns of **SCHNEIDER AUTOMATION, INC.** (hereinafter collectively called said Assignee), and the Commissioner of Patents is hereby authorized and requested by the undersigned to issue said Letters Patent to said Assignee.

FOR SAID CONSIDERATIONS, it is hereby agreed by the undersigned, upon the request of said Assignee, to execute any necessary and proper oaths or affidavits relating to said application or required for the filing or prosecution of any divisional, continuation or continuation-in-part application thereof or for the filing or prosecution of any application for the reissue or extension of any Letters Patent that may be granted on said invention or improvements that said Assignee may deem necessary or expedient, and for the said consideration, it is further agreed by the undersigned, upon the request of said Assignee, in the event of said application or any division thereof, or Letters Patent issued thereon, or any reissue or application for the reissue thereof, becoming involved in interference, to cooperate to the best of the ability of the undersigned with said Assignee in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, and further to perform, upon such request, any and all affirmative acts to obtain said Letters Patent and vest all rights therein hereby conveyed in the said Assignee as fully and entirely as the same would have been held and enjoyed by the undersigned if this Assignment and sale had not been made. And for the said considerations the entire right, title and interest in said invention or improvements, including all priority rights, and the right to claim priority rights and the privileges and benefits thereof, including those under the International Convention, and all other conventions, and the right to file applications for patent in said Assignee's own name for said invention or improvements in each and every country of the world are hereby Assigned and granted by the undersigned to said Assignee. It is further agreed by the undersigned, upon the request of said Assignee, to execute any and all documents that shall be required of the undersigned to be executed in connection with any and all applications for foreign letters patent therefor, including the prosecution thereof, and to execute any and all documents necessary to invest title in said foreign applications and patents in said Assignee. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Assignment the date and Serial Number thereof in the places provided therefor.

  
Andrew G. Swales10/28/98  
Date  
A. Dean Papadopoulos11/3/98  
Date  
Allan Tanzman10/26/98  
Date

FOOTNOTES

State of MASSACHUSETTS

) ss.  
County of ESSEX )

On 10/28/98, 1998, Andrew G. Swales  
~~Dennis Dube~~ appeared before me, a notary public in and for  
the state and county aforesaid, and acknowledged that he freely and voluntarily subscribed and executed the  
foregoing Assignment for the purposes and uses therein expressed.

Maria V. Rozat  
Notary Public

On 11/3/98, 1998, A. Dean Papadopoulos  
~~Andrew G. Swales~~ appeared before me, a notary public in and  
for the state and county aforesaid, and acknowledged that he freely and voluntarily subscribed and executed  
the foregoing Assignment for the purposes and uses therein expressed.

Maria V. Rozat  
Notary Public

On 10/26/98, 1998, Allan Tanzman  
~~Cynthia Davies~~ appeared before me, a notary public in and for  
the state and county aforesaid, and acknowledged that he freely and voluntarily subscribed and executed the  
foregoing Assignment for the purposes and uses therein expressed.

Maria V. Rozat  
Notary Public

(59941)

my commission expires  
11/25/99

RECEIVED